

REMARKS

Reconsideration of the application in light of the following remarks is respectfully requested.

Status of the Claims

Claims 1-14 are pending. Claims 1 and 13 are rejected. Claims 2-12 are objected and claim 14 is allowed.

Allowable Subject Matter

Applicant appreciatively acknowledges the Examiner's allowance of claim 14, and the indication of allowable subject matter in claims 2-12.

Double Patenting

Claims 1 and 13 stand provisionally rejected under the judicially created doctrine of non-statutory double patenting in view of claim 1 of copending Application Serial No. 10/754,039. Because the instant application and copending Application No. 10/754,039 are commonly owned, a Terminal Disclaimer in accordance with 37 CFR §1.321(c) is enclosed to overcome the foregoing rejection.

Applicant notes, that Application Serial No. 10/754,039, and has yet issued as U.S. Patent No. 6,937,196 on August 30, 2005. The Terminal Disclaimer, submitted herewith and concurrently with this Response, disclaims any portion of the patent that issues from the present application which extends beyond the expiration of the '96 Patent. .

Withdrawal of the double patenting rejection is respectfully requested.

Because claims 2-12 are dependent upon base claim 1, Applicants submits that claims 2-12 are now in condition for allowance. Therefore, Applicant requests that the objection over claims 2-12 be reconsidered.

Reconsideration of this objection is requested.

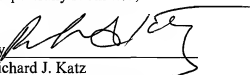
CONCLUSION

Each and every point raised in the Office Action dated August 23, 2007 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 1-14 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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